

EXHIBIT G

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9 Attorneys for Defendants

10 JOHNSON & JOHNSON, MCNEIL CONSUMER
11 HEALTHCARE, a Division of MCNEIL-PPC, INC., a
12 Division of MCNEIL-PPC, INC.), MCKESSON
13 CORPORATION, and WAL-MART STORES, INC.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

THOMAS B. GAINES, a deceased minor
child by and through his personal
representative(s) and/or successor(s) in
interest; DIANA L. GAINES, individually,
as Executor of the Estate of Thomas B.
Gaines, and as Thomas B. Gaines' personal
representative and successor in interest;
GARY D. GAINES, individually and as
Thomas B. Gaines' personal representative
and successor in interest; and THE
ESTATE OF THOMAS B. GAINES,

Plaintiffs,

v.

JOHNSON & JOHNSON, a New Jersey
corporation; MCNEIL CONSUMER &
SPECIALTY PHARMACEUTICALS, a
Division of MCNEIL-PPC, INC., a New
Jersey corporation; MCKESSON
CORPORATION, a Delaware corporation;
WAL-MART STORES, INC., a Delaware
corporation; and DOES 1 through 100,
inclusive,

Defendants.

Case No. CGC-06-457600

**DEFENDANT WAL-MART STORES,
INC.'S RESPONSE TO PLAINTIFFS'
SPECIAL INTERROGATORIES, SET
ONE**

1 PROPOUNDING PARTY: Plaintiff THOMAS B. GAINES, et al.

2 RESPONDING PARTY: Defendant WAL-MART STORES, INC.

3 SET NUMBER: ONE (1)

4 **PREFATORY STATEMENT**

5 Defendant WAL-MART STORES, INC. ("Wal-Mart" or "Defendant") has not
6 completed its investigation, discovery or trial preparation. Should additional information
7 or documents responsive to these interrogatories come to Wal-Mart's attention in the
8 future, Wal-Mart will supplement these responses and reserves the right to use such
9 information and documents during the course of this litigation and at trial.

10 **PRELIMINARY OBJECTIONS**

11 1. Wal-Mart objects to the interrogatories, individually and generally, on the
12 grounds that they are overbroad, they seek information that (a) is neither relevant to the
13 subject matter of this action nor reasonably calculated to lead to the discovery of
14 admissible evidence, or (b) bears only slight relevance to the subject matter of this action
15 and the expenditure of resources necessary to produce such information would be grossly
16 disproportionate to that relevance, if any. Responding would therefore be unduly
17 burdensome and oppressive.

18 2. Wal-Mart objects to the interrogatories, individually and generally, to the
19 extent they seek information containing trade secrets or other proprietary or confidential
20 research, development, commercial or personal information.

21 3. Wal-Mart objects to the interrogatories, individually and generally, to the
22 extent they seek information protected from disclosure by the attorney-client privilege or
23 the attorney work product doctrine, the joint defense privilege, or any other
24 constitutional, statutory or common law privilege or protection.

25 4. Wal-Mart objects to the interrogatories, individually and generally, to the
26 extent they seek information relating to products not at issue in this litigation on the
27 ground that such information is not relevant to the subject matter of this action and such
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1 interrogatories are overbroad, not reasonably calculated to lead to the discovery of
2 admissible evidence and unduly burdensome.

3 5. Wal-Mart objects to the interrogatories, individually and generally, to the
4 extent they seek information relating to products other than McNeil's single-ingredient
5 ibuprofen products, the product allegedly used by Thomas Gaines.

6 6. Wal-Mart objects to the interrogatories, individually and generally, to the
7 extent they are not limited in scope to an appropriate time period. Unless otherwise
8 stated, Wal-Mart objects to disclosing information other than for the period of January 1,
9 2004 to September 28, 2004.

10 7. Wal-Mart objects to the interrogatories, individually and generally, to the
11 extent they seek the disclosure of information concerning any Wal-Mart store other than
12 the Wal-Mart store at issue in this litigation, store number 1209 located at 401 North
13 General Blvd., Lincolnton, North Carolina, 28092-3559.

14 8. Wal-Mart objects to Plaintiffs' definition of the term "Children's Motrin"
15 as overbroad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the
16 discovery of admissible evidence.

17 **NOTE: Each discovery response of Wal-Mart is made**
18 **subject to and without waiver of these general objections.**
19 **In order to avoid unnecessary repetition, Wal-Mart**
20 **specifically incorporates into its responses to these**
21 **interrogatories each of these general objections. If that is**
22 **not satisfactory, on request, Wal-Mart will amend these**
23 **responses to include the full text of each objection.**

24 **WAL-MART'S RESPONSES TO PLAINTIFFS' INTERROGATORIES**

25 **Interrogatory No. 1:**

26 Between the years of January 1, 1995 to the present have YOU ever sold
27 CHILDREN'S MOTRIN which you obtained from MCKESSON?

28 **Response to Interrogatory No. 1:**

Wal-Mart objects to this interrogatory as overbroad, unduly burdensome,
harassing, and seeking information neither relevant to the subject matter of this action,
nor reasonably calculated to lead to the discovery of admissible evidence. Wal-Mart

1 further objects to this interrogatory to the extent it is not limited to a reasonable time
 2 period. Wal-Mart objects to this interrogatory on the ground that it is vague and
 3 ambiguous, particularly with respect to the term "obtained."

4 Subject to and without waiving its objections, Wal-Mart responds: Wal-Mart store
 5 number 1209 did not obtain Children's Motrin from McKesson during the period of
 6 January 1, 2004 to September 28, 2004.

7 **Interrogatory No. 2:**

8 If YOUR response to Special Interrogatory No. 1, above, is affirmative, please
 9 IDENTIFY the years during which YOU sold CHILDREN'S MOTRIN which you
 10 obtained from MCKESSON.

11 **Response to Interrogatory No. 2:**

12 Wal-Mart objects to this interrogatory as overbroad, unduly burdensome,
 13 oppressive, harassing, and seeking information neither relevant to the subject matter of
 14 this action, nor reasonably calculated to lead to the discovery of admissible evidence.
 15 Wal-Mart further objects to this interrogatory to the extent it is not limited to a reasonable
 16 time period. Wal-Mart objects to this interrogatory on the ground that it is vague and
 17 ambiguous, particularly with respect to the term "obtained."

18 Subject to and without waiving its objections, Wal-Mart responds: Wal-Mart
 19 refers plaintiffs to its response to Special Interrogatory number 1.

20 **Interrogatory No. 3:**

21 Do YOU contend that YOU never obtained CHILDREN'S MOTRIN from
 22 MCKESSON?

23 **Response to Interrogatory No. 3:**

24 Wal-Mart objects to this interrogatory as overbroad and seeking information
 25 neither relevant to the subject matter of this action, nor reasonably calculated to lead to
 26 the discovery of admissible evidence. Wal-Mart objects to this interrogatory on the
 27 ground that it is vague and ambiguous, particularly with respect to the term "obtained."
 28 Wal-Mart further objects to this interrogatory to the extent it is not limited to a reasonable

1 time period.

2 Subject to and without waiving its objections, Wal-Mart refers plaintiffs to its
3 response to Special Interrogatory number 1.

4 **Interrogatory No. 4:**

5 If YOU contend that YOU have never purchased CHILDREN'S MOTRIN from
6 MCKESSON please IDENTIFY all facts which YOU claim support this contention.

7 **Response to Interrogatory No. 4:**

8 Wal-Mart objects to this interrogatory as overbroad and seeking information
9 neither relevant to the subject matter of this action, nor reasonably calculated to lead to
10 the discovery of admissible evidence. Wal-Mart objects to this interrogatory on the
11 ground that it is vague and ambiguous, particularly with respect to the term "obtained."
12 Wal-Mart further objects to this interrogatory to the extent it is not limited to a reasonable
13 time period.

14 Subject to and without waiving its objections, Wal-Mart refers plaintiffs to its
15 response to Special Interrogatory number 1.

16 **Interrogatory No. 5:**

17 If YOU contend that YOU have never purchased CHILDREN'S MOTRIN from
18 MCKESSON please IDENTIFY all DOCUMENTS which YOU claim support this
19 contention.

20 **Response to Interrogatory No. 5:**

21 Wal-Mart objects to this interrogatory as overbroad and seeking information
22 neither relevant to the subject matter of this action, nor reasonably calculated to lead to
23 the discovery of admissible evidence. Wal-Mart objects to this interrogatory on the
24 ground that it is vague and ambiguous, particularly with respect to the term "obtained."
25 Wal-Mart further objects to this interrogatory to the extent it is not limited to a reasonable
26 time period.

27 Subject to and without waiving its objections, Wal-Mart refers plaintiffs to its
28 response to Special Interrogatory number 1. It would be unduly burdensome and

1 oppressive for Wal-Mart to identify all documents supporting Wal-Mart's contention that
 2 store number 1209 did not obtain Children's Motrin from McKesson during the period of
 3 January 1, 2004 to September 28, 2004.

4 **Interrogatory No. 6:**

5 If YOU contend that YOU have never purchased CHILDREN'S MOTRIN from
 6 MCKESSON please IDENTIFY all PERSONS who have knowledge of facts which
 7 YOU claim support this contention.

8 **Response to Interrogatory No. 6:**

9 Wal-Mart objects to this interrogatory as overbroad and seeking information
 10 neither relevant to the subject matter of this action, nor reasonably calculated to lead to
 11 the discovery of admissible evidence. Wal-Mart objects to this interrogatory on the
 12 ground that it is vague and ambiguous, particularly with respect to the term "obtained."
 13 Wal-Mart further objects to this interrogatory to the extent it is not limited to a reasonable
 14 time period.

15 Subject to and without waiving its objections, Wal-Mart refers plaintiffs to its
 16 response to Special Interrogatory number 1. It would be unduly burdensome and
 17 oppressive for Wal-Mart to identify all persons with knowledge of facts supporting Wal-
 18 Mart's contention that store number 1209 did not obtain Children's Motrin from
 19 McKesson during the period of January 1, 2004 to September 28, 2004.

20 **Interrogatory No. 7:**

21 Between the years of January 1, 1995 to the present have YOU ever purchased
 22 branded (also known as "brand name") pharmaceutical products from MCKESSON?

23 **Response to Interrogatory No. 7:**

24 Wal-Mart objects to this interrogatory as overbroad, unduly burdensome,
 25 harassing, and seeking information neither relevant to the subject matter of this action,
 26 nor reasonably calculated to lead to the discovery of admissible evidence. Wal-Mart
 27 further objects to this interrogatory to the extent it is not limited to a reasonable time
 28 period. Wal-Mart objects to this interrogatory on the ground that it is vague and

1 ambiguous, particularly with respect to the term "branded (also known as 'brand name')
2 pharmaceutical."

3 **Interrogatory No. 8:**

4 If YOUR response to Special Interrogatory No. 5 [sic.] above, is affirmative,
5 please IDENTIFY the years during which YOU purchased branded (also known as
6 "brand name") pharmaceutical products from MCKESSON.

7 **Response to Interrogatory No. 8:**

8 Wal-Mart objects to this interrogatory as overbroad, unduly burdensome,
9 oppressive, harassing, and seeking information neither relevant to the subject matter of
10 this action, nor reasonably calculated to lead to the discovery of admissible evidence.
11 Wal-Mart further objects to this interrogatory to the extent it is not limited to a reasonable
12 time period. Wal-Mart objects to this interrogatory on the ground that it is vague and
13 ambiguous, particularly with respect to the term "branded (also known as 'brand name')
14 pharmaceutical." Wal-Mart interprets this interrogatory as seeking information related to
15 Special Interrogatory No. 7, not Special Interrogatory No. 5, as set forth in the
16 interrogatory.

17 **Interrogatory No. 9:**

18 Do YOU contend that YOU never purchased branded (also known as "brand
19 name") pharmaceutical products from MCKESSON?

20 **Response to Interrogatory No. 9:**

21 Wal-Mart objects to this interrogatory as overbroad and seeking information
22 neither relevant to the subject matter of this action, nor reasonably calculated to lead to
23 the discovery of admissible evidence. Wal-Mart objects to this interrogatory on the
24 ground that it is vague and ambiguous, particularly with respect to the term "branded
25 (also known as 'brand name') pharmaceutical." Wal-Mart further objects to this
26 interrogatory to the extent it is not limited to a reasonable time period.

27 **Interrogatory No. 10:**

28 If YOU contend that YOU have never purchased branded (also known as "brand

1 name") pharmaceutical products from MCKESSON please IDENTIFY all facts which
 2 YOU claim support this contention.

3 **Response to Interrogatory No. 10:**

4 Wal-Mart objects to this interrogatory as overbroad and seeking information
 5 neither relevant to the subject matter of this action, nor reasonably calculated to lead to
 6 the discovery of admissible evidence. Wal-Mart objects to this interrogatory on the
 7 ground that it is vague and ambiguous, particularly with respect to the term "branded
 8 (also known as 'brand name') pharmaceutical." Wal-Mart further objects to this
 9 interrogatory to the extent it is not limited to a reasonable time period.

10 **Interrogatory No. 11:**

11 If YOU contend that YOU have never purchased branded (also known as "brand
 12 name") pharmaceutical products from MCKESSON please IDENTIFY all
 13 DOCUMENTS which YOU claim support this contention.

14 **Response to Interrogatory No. 11:**

15 Wal-Mart objects to this interrogatory as overbroad and seeking information
 16 neither relevant to the subject matter of this action, nor reasonably calculated to lead to
 17 the discovery of admissible evidence. Wal-Mart objects to this interrogatory on the
 18 ground that it is vague and ambiguous, particularly with respect to the term "branded
 19 (also known as 'brand name') pharmaceutical." Wal-Mart further objects to this
 20 interrogatory to the extent it is not limited to a reasonable time period.

21 **Interrogatory No. 12:**

22 If YOU contend that YOU have never purchased branded (also known as "brand
 23 name") pharmaceutical products from MCKESSON please IDENTIFY all PERSONS
 24 who have knowledge of facts which YOU claim support this contention.

25 **Response to Interrogatory No. 12:**

26 Wal-Mart objects to this interrogatory as overbroad and seeking information
 27 neither relevant to the subject matter of this action, nor reasonably calculated to lead to
 28 the discovery of admissible evidence. Wal-Mart objects to this interrogatory on the

1 ground that it is vague and ambiguous, particularly with respect to the term "branded
2 (also known as 'brand name') pharmaceutical." Wal-Mart further objects to this
3 interrogatory to the extent it is not limited to a reasonable time period:
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5 Dated: August 6, 2007

DRINKER BIDDLE & REATH LLP

6 
7 BENJAMIN J. HOLL

8 Attorneys for Defendants
9 JOHNSON & JOHNSON, MCNEIL
10 CONSUMER HEALTHCARE, a Division
11 of MCNEIL-PPC, INC., a Division of
12 MCNEIL-PPC, INC.), MCKESSON
13 CORPORATION, and WAL-MART
14 STORES, INC.
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